117-19

Supreme Court of the United States.

OCTOBER TERM, 1885.

No. 442.

GEORGE F. AKERS, PLAINTIFF IN ERROR,

vs.

ALBERT AKERS, DEFENDANT IN ERROR.

Motion to Advance.

The defendant in error, Albert Akers, through his counsel, S. Watson, moves the Court to advance this cause and hear it out of its regular order upon the docket.

The motion is made under the 32d rule of this Court.

The cause was commenced in the circuit court of Davidson county, Tennessee, and removed, upon petition of the defendant (plaintiff in error), to the U. S. circuit court for the middle district of Tennessee.

That court remanded the cause to the State court, and the plaintiff in error sued out a writ of error to the judgment of the circuit court.

SUPREME COURT OF THE UNITED STATES.

GEORGE F. AKERS, Plaintiff in Error,
vs.
ALBERT AKERS, Defendant in Error. } No. 442.

Motion to Advance and to Dismiss Writ of Error.

To HORACE H. HARRISON, Esq.,
Attorney for the Plaintiff in Error.

SIR: Take notice that on Monday, December 14, 1885, the defendant in error will, through his counsel, move to

advance this cause upon the docket and to dismiss the writ of error heretofore issued.

The grounds upon which said motion will be made are stated in the accompanying brief.

S. WATSON,
Attorney for Defendant in Error.

Service of this motion, with accompanying brief, acknowledged. Plaintiff in error agrees that the motion may be made on Monday, December 14, 1885, and waives the service of the motion three weeks before the same is made.

H. H. HARRISON,
Attorney for Plaintiff in Error.

DECEMBER 1, 1885.

SUPREME COURT OF THE UNITED STATES.

GEORGE F. AKERS, Plaintiff in Error,
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ALBERT AKERS, Defendant in Error. } No. 442.

It is hereby stipulated that the motion to dismiss the writ of error shall be heard upon the original record in this Court, and that the record shall not be printed.

S. WATSON,
Attorney for Defendant in Error.
H. H. HARRISON,
Attorney for Plaintiff in Error.

DECEMBER 1, 1885.

Supreme Court U. S.
FILED.
DEC 14 1885
JAMES H. McKENNEY.
CLERK.

Supreme Court of the United States.

No. 442.

GEORGE F. AKERS, Plaintiff in Error,

vs.

ALBERT AKERS, Defendant in Error.

BRIEF FOR THE DEFENDANT IN ERROR.

Statement.

This cause was commenced in the State court on March 16, 1882, and the plaintiff in error was served with process to appear.

On October 6, 1882, he presented his petition for removal in which he recited:

"Your petitioner respectfully shows to this honorable court that the matters and amount in dispute in the above-entitled suit exceeds, exclusive of costs, the sum or value of five hundred dollars. That the controversy in said suit is between citizens of different States and that the petitioner is a citizen of the State of Kentucky."

Whereupon the State court ordered the cause to be removed to the United States circuit court.

On October 25th, 1882, the circuit court rendered the following judgment: